

Private Admonition -- Board Case No. 12, 1993. Date or Sanction: April 24, 1995. A panel of the Preliminary Review Committee of the Board on Professional Responsibility (the "PRC") offered to a Delaware attorney the sanction of a private admonition for the attorney's violation of **DLRPC 8.4(c)**, which prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. The Respondent accepted the imposition of the sanction.

Following investigation by the Office of Disciplinary Counsel, it was revealed that the Respondent had engaged in certain deceptive practices with respect to his former law partners involving fee checks from clients which were made payable to the firm itself, or to its attorneys on behalf of the firm. Although the Respondent had a controlling interest in the partnership, and therefore could have formally directed that all incoming checks were to be processed and cashed by him personally, he did not institute any such formal procedure, and on certain occasions he took checks payable to the firm or to other attorneys and cashed them for his personal use. Although these transactions were duly recorded in the firm's books, the Respondent had on occasion signed the names of some of the firm's other attorneys on such incoming checks, without the knowledge or permission of those attorneys, in order to cash the checks himself. The PRC found that this conduct exhibited generally deceptive behavior in violation of **DLRPC 8.4(c)**.

The only condition attached to the private sanction was the payment of the Office of Disciplinary Counsel's costs of investigating the case, which were relatively substantial. The case had been delayed because of a related pending investigation by the Internal Revenue Service, which eventually determined that no charges against the Respondent would be filed. The Respondent had not been previously disciplined.
